

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

ALAN WANGERIN
3113 Helen Ct.
Eau Claire, WI 54703

Case No.: 3:17-CV-00149

Plaintiff,

v.

GE OIL & GAS, INC.
d/b/a Salof Companies
CT Corporation System
8020 Excelsior Dr., Ste. 200
Madison, WI 53717,

ABC INSURANCE COMPANY
A fictitious insurance company,

TOPP'S MECHANICAL, INC.
c/o Ria Topp
1255 Lincoln St.
PO Box 449
Tecumseh, NE 68450,

DEF INSURANCE COMPANY
A fictitious insurance company,

Defendants,

and

CAPITAL BLUE CROSS
2500 Elmerton Ave.
Harrisburg, PA 17110,

ACE AMERICAN INSURANCE COMPANY
436 Walnut St.
Philadelphia, PA 19106,

METROPOLITAN LIFE INSURANCE COMPANY
200 Park Ave.
New York, NY 10166,

EXHIBIT B

WISCONSIN DEPARTMENT OF HEALTH SERVICES
1 West Wilson St.
Room 651
Madison, WI 53703,

Subrogated Defendants.

AMENDED COMPLAINT

The Plaintiff complains of Defendants as follows:

1. Plaintiff is an adult resident of the state of Wisconsin residing at 3113 Helen Ct., Eau Claire, WI 54703.
2. Defendant, GE Oil & Gas, Inc. d/b/a Salof Companies is a Delaware Corporation licensed to do business in Wisconsin with a registered agent at CT Corporation System, 8020 Excelsior Dr., Ste. 200, Madison, WI 53717. Upon information and belief, GE Oil & Gas acquired Salof Companies in 2013, and now does business under the name Salof Companies.
3. ABC Insurance Company is an insurance company licensed to do business and doing business in the State of Wisconsin, having corporate headquarters at an unknown location, and is engaged in the business of selling Commercial General Liability insurance and other insurance services at a premium. Upon information and belief, on the date of the incident alleged herein, there was in effect a Commercial General Liability insurance policy and/or some other type of liability policy issued by this Defendant covering Defendant GE Oil & Gas, Inc. d/b/a Salof Companies under the terms of which it insured them for claims alleged in this complaint. It is a proper party to this action pursuant to Wis. Stat. § 803.04(2). However, at this time, identity of said ABC Insurance Company is unknown and will be revealed in discovery.
4. Defendant Topp's Mechanical, Inc. is a Nebraska Corporation with a registered agent

listed as Ria Topp at 1255 Lincoln St., PO Box 499, Tecumseh, Nebraska 68450.

5. DEF Insurance Company is an insurance company licensed to do business and doing business in the State of Wisconsin, having corporate headquarters at an unknown location, and is engaged in the business of selling Commercial General Liability insurance and other insurance services at a premium. Upon information and belief, on the date of the incident alleged herein, there was in effect a Commercial General Liability insurance policy and/or some other type of liability policy issued by this Defendant covering Defendant GE Oil & Gas, Inc. d/b/a Salof Companies under the terms of which it insured them for claims alleged in this complaint. It is a proper party to this action pursuant to Wis. Stat. § 803.04(2). However, at this time, identity of said ABC Insurance Company is unknown and will be revealed in discovery.

6. Subrogated Defendant, Capital Blue Cross Insurance Company (“Capital Blue Cross”) is a foreign corporation with its registered agent and principal place of business located at 2500 Elmerton Ave., Harrisburg, PA 17110, and has claimed to have paid medical expenses on behalf of Plaintiff, Alan Wangerin. Capital Blue Cross further claims to be entitled to subrogation and/or reimbursement of those expenses. Plaintiff asks that Capital Blue Cross be put to its proof of any interest in this action or its proceeds and, absent such proof, that any purported subrogation and/or reimbursement claim be extinguished.

7. Subrogated Defendant Ace American Insurance Company (“Ace”) is a foreign corporation with its registered agent and principal place of business located at 436 Walnut St., Philadelphia, PA 19106 and has claimed to have paid medical expenses on behalf of Plaintiff, Alan Wangerin. Ace further claims to be entitled to subrogation and/or reimbursement of those expenses. Plaintiff asks that Ace be put to its proof of any interest in this action or its proceeds and, absent such proof, that any purported subrogation and/or reimbursement claim be extinguished.

8. Subrogated Metropolitan Life Insurance Company (“MetLife”) is a foreign corporation with its registered agent and principal place of business located at 200 Park Ave., New York, NY 10166 and has claimed to have paid disability expenses on behalf of Plaintiff, Alan Wangerin. MetLife further claims to be entitled to subrogation and/or reimbursement of those expenses. Plaintiff asks that MetLife be put to its proof of any interest in this action or its proceeds and, absent such proof, that any purported subrogation and/or reimbursement claim be extinguished.

9. Subrogated Defendant State of Wisconsin Department of Health Services is a Wisconsin Government Service located at 1 West Wilson St., Room 651, Madison, WI 53703 and has claimed to have paid medical expenses on behalf of the Plaintiff, Alan Wangerin. State of Wisconsin Department of Health Services further claims to be entitled to subrogation and/or reimbursement of those expenses. Plaintiff asks that State of Wisconsin Department of Health Services be put to its proof of any interest in this action or its proceeds and, absent such proof, that any purported subrogation and/or reimbursement claim be extinguished.

GENERAL ALLEGATIONS

10. Plaintiffs incorporate the above paragraphs with like force and effect as if set forth in full herein.

11. Defendant GE Oil & Gas, Inc. d/b/a Salof Companies designs, builds and installs liquefied natural gas facilities throughout the United States and internationally.

12. Defendant GE Oil & Gas, Inc. d/b/a Salof Companies was commissioned to design an Air Products & Chemicals, Inc. plant in Boyceville, Dunn County, Wisconsin.

13. Upon information and belief, Defendant Topp’s Mechanical was responsible for

deconstructing an existing plant in Beatrice, Nebraska, transporting the parts to Boyceville, Wisconsin and re-assembling the plant for Air Products & Chemicals, Inc.'s use in Boyceville, Wisconsin.

14. Plaintiff was an employee of the Air Products & Chemicals, Inc. plant in Boyceville, Wisconsin.

15. On May 29, 2014 Plaintiff was performing his duties as an employee of Air Products & Chemicals, Inc. when in the scope of his employment he had to stand on a catwalk located above an anhydrous ammonia tank and its pressure relief valves.

16. At this date and time, Plaintiff was suddenly and unexpectedly immersed in a cloud of hot ammonia gas that was being released by the pressure relief valves located under his location on the catwalk. Plaintiff suffered personal injuries and damages.

NEGLIGENCE

17. Plaintiffs incorporate the above paragraphs with like force and effect as if set forth in full herein.

18. Defendants were negligent in their placement of anhydrous ammonia pressure relief valves under a catwalk where employees of Air Products & Chemicals, Inc. were expected and anticipated to be during work hours.

19. Defendants' negligence was a proximate cause of the injuries and damages suffered by Plaintiff, as described above.

WHEREFORE, judgment is demanded against the Defendants for damages in accordance with the allegations of the complaint.

Dated: March 17, 2017

DOAR, DRILL & SKOW, S.C.

Signed: /s/Michael J. Brose
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A 12 PERSON JURY TRIAL IS DEMANDED